

118TH CONGRESS
1ST SESSION

S. _____

To provide the Food and Drug Administration with authority to conduct microbial sampling on concentrated animal feeding operations as necessary to facilitate a foodborne illness outbreak investigation, determine the root cause of an outbreak of foodborne illness, or address other public health needs.

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide the Food and Drug Administration with authority to conduct microbial sampling on concentrated animal feeding operations as necessary to facilitate a foodborne illness outbreak investigation, determine the root cause of an outbreak of foodborne illness, or address other public health needs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expanded Food Safety
5 Investigation Act of 2023”.

1 **SEC. 2. MICROBIAL SAMPLING ON CONCENTRATED ANIMAL**
2 **FEEDING OPERATIONS.**

3 (a) IN GENERAL.—Chapter IV of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amend-
5 ed by adding at the end the following:

6 **“SEC. 425. MICROBIAL SAMPLING ON CONCENTRATED ANI-**
7 **MAL FEEDING OPERATIONS.**

8 “(a) IN GENERAL.—The Secretary may request ac-
9 cess to a concentrated animal feeding operation in order
10 to conduct microbial sampling, if the Secretary determines
11 that such microbial sampling is necessary in order to fa-
12 cilitate a foodborne illness outbreak investigation, deter-
13 mine the root cause of an outbreak of foodborne illness,
14 or address other public health needs.

15 “(b) GRANTING OF REASONABLE ACCESS.—A con-
16 centrated animal feeding operation that receives a request
17 for access under subsection (a) shall provide reasonable
18 access to the Secretary to conduct such microbial sam-
19 pling, including sampling of plants, animals, water, and
20 the environment, as the Secretary determines appropriate
21 to address the public health need. Such operation may
22 place reasonable conditions on access to the operation, in-
23 cluding by specifying a time, place, and manner for sam-
24 pling, provided that any such conditions do not prevent
25 the Secretary from conducting appropriate sampling with-
26 in a reasonable period of time.

1 “(c) AUTHORITY OVER FOODS REGULATED BY THE
2 SECRETARY OF AGRICULTURE.—Nothing in this section
3 shall be construed to impose additional requirements by
4 the Secretary, beyond microbial sampling, with respect to
5 food that is within the jurisdiction of the Secretary of Ag-
6 riculture pursuant to the Federal Meat Inspection Act, the
7 Poultry Products Inspection Act, or the Egg Products In-
8 spection Act.

9 “(d) COORDINATION WITH OTHER PUBLIC HEALTH
10 AGENCIES.—The Secretary shall ensure that data col-
11 lected under this section are made available to the Sec-
12 retary of Agriculture and relevant State and Federal pub-
13 lic health agencies in order to facilitate work in detecting,
14 investigating, or preventing foodborne illness. Nothing in
15 this section shall be construed to limit the rights and ex-
16 emptions otherwise available under section 552 of title 5,
17 United States Code.

18 “(e) DEFINITION.—In this section, the term ‘con-
19 centrated animal feeding operation’ has the meaning given
20 such term in section 122.23(b) of title 40, Code of Federal
21 Regulations (or any successor regulations).”.

22 (b) ENFORCEMENT.—Section 301 of the Federal
23 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
24 ed by adding at the end the following:

- 1 “(jjj) The refusal to provide reasonable access for mi-
- 2 crobial sampling in accordance with section 425.”.